PATENT

#7 10/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
Shmuel EIDELMAN et al.	
Serial No. 09/828,907	Examiner: Nave, E.
Filed: April 10, 2001	Group Art Unit: 1754
For: METHOD AND APPARATUS FOR MINE AND UNEXPLODED ORDNANCE NEUTRALIZATION	Atty Dkt No.: 000479.00033

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Box Non-fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the non-final Office Action mailed April 10, 2002, for which the period for response has been extended three months, *i.e.*, up to and including October 10, 2002, by the Petition for Extension of Time and requisite fee submitted concurrently herewith, please reconsider the above-captioned application in view of the following remarks.

REMARKS

Claims 1-7 remain pending and stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of Eidelman U.S. Patent 6,232,519 ("Eidelman '519") in view of Holt *et al.* U.S. Patent 5,198,188 ("Holt"). This rejection is respectfully traversed.

A double patenting rejection is proper only where a claimed invention would have been obvious over the claims of another patent or application. *In re Kaplan*, 789 F.2d 1574, 229 USPQ 678 (Fed. Cir. 1986). Mere domination or overlapping of claims does not necessarily give rise to obviousness-type double patenting. *Ibid.*